***Hope v. Pelzer*, 2002**

**Popular Name:  Hitching Post Damages Case**

**Plaintiffs:** Larry Hope, an Alabama prisoner who was handcuffed to a metal hitching post

**Defendants:** Correctional officers Mark Pelzer, others responsible for implementing the hitching post policy

In 1995, Alabama's prisons used chain gangs (chaining prisoners together during forced labor) and the hitching post. A hitching post is a "horizontal bar made of sturdy, nonflexible material placed between 45 and 57 inches from the ground. Inmates are handcuffed to the hitching post in a standing position and remain standing the entire time they are placed on the post. Most inmates are shackled to the hitching post with their two hands relatively close together and at face level." "The most repeated complaint about the hitching post was the strain it produced on inmates' muscles by forcing them to remain in a standing position with their arms raised in a stationary position [sic] for a long period of time. In addition to their exposure to sunburn, dehydration, and muscle aches, the inmates are also placed in substantial pain when the sun heats the handcuffs that shackle them to the hitching post, or heats the hitching post itself." In a related case, several other inmates "described the way in which the handcuffs burned and chafed their skin during their placement on the post."

Larry Hope, an inmate at Limestone Prison, was punished by the hitching post on two occasions. On May 11, 1995, Hope was working on a chain gang near an interstate highway when he got into an argument with another inmate. Both men were chained to the hitching post. Because Hope was only slightly taller than the hitching post, his arms were above shoulder height and grew tired from being handcuffed so high. Whenever he tried to move his arms to improve his circulation, the handcuffs cut into his wrists. Guards came by every 15 minutes to offer him water and a bathroom break, and Hope's responses were recorded in a log. Hope was let go two hours later when it was determined that the other man initiated the argument.

On June 7, 1995, however, Hope's punishment was more severe. Hope had fallen asleep during the bus ride out to the work site and was "less than prompt" in getting off the bus once it arrived there. Hope got into a fight with a guard, during which four other guards intervened and subdued Hope. The guards took Hope back to Limestone and put him on the hitching post for seven hours. The guards forced Hope to remove his shirt, and the sun burned his skin. He received water only once or twice during the day and had no bathroom breaks. At one point, one of the guards taunted him by first allowing some dogs to drink some water before bringing the water closer to him and then spilling it on the ground. Hope's skin was burned. His wrists were cut.

# *Roper v. Simmons, 2004*

**Plaintiffs:** Roper – acting as the prosecutor for the State of Missouri

**Defendants:** Christopher Simmons

This case, in [Missouri](http://en.wikipedia.org/wiki/Missouri), involved Christopher Simmons, who, in 1993 at the age of 17, concocted a plan to murder Shirley Crook, bringing two younger friends, Charles Benjamin and John Tessmer, into the plot. The plan was to commit [burglary](http://en.wikipedia.org/wiki/Burglary) and [murder](http://en.wikipedia.org/wiki/Murder) by breaking and entering, tying up a victim, and tossing the victim off a bridge. The three met in the middle of the night; however, Tessmer then dropped out of the plot. Simmons and Benjamin broke into Mrs. Crook's home, bound her hands and covered her eyes. They drove her to a [state park](http://en.wikipedia.org/wiki/State_park) and threw her off a bridge.

Once the case went to trial (in the lower courts, not at the Supreme Court yet) , the [evidence](http://en.wikipedia.org/wiki/Evidence_(law)) was overwhelming. Simmons had confessed to the murder, performed a videotaped reenactment at the crime scene, and there was testimony from Tessmer against him that showed [premeditation](http://en.wikipedia.org/wiki/Premeditation) (he discussed the plot in advance and later bragged about the crime). The jury returned a guilty verdict. Even considering [mitigating factors](http://en.wikipedia.org/wiki/Mitigating_factor) (no criminal history and his age), the jury recommended a death sentence, which the trial court imposed. Simmons first moved for the trial court to set aside the conviction and sentence, citing, in part, ineffective assistance of counsel. His age, and thus impulsiveness, along with a troubled background were brought up as issues that Simmons claimed should have been raised at the sentencing phase. The trial court rejected the motion, and Simmons appealed.

Simmons committed murder when he was 17 years old and was sentenced to death. After his conviction was affirmed and post-conviction relief denied, he petitioned for relief on the ground that executing an individual for a crime he committed when under the age of 18 is cruel and unusual punishment prohibited by the Eighth Amendment.

# *Trop v. Dulles,* 1958

Plaintiff: **Albert L. TROP**

Defendant: **John Foster DULLES, as Secretary of State of the United States**

Albert Trop was a [natural born citizen of the United States](http://en.wikipedia.org/wiki/Natural_born_citizen_of_the_United_States) who, while serving as a [private](http://en.wikipedia.org/wiki/Private_(rank)) in the [United States Army](http://en.wikipedia.org/wiki/United_States_Army) in 1944, [deserted](http://en.wikipedia.org/wiki/Desertion) from an Army [stockade](http://en.wikipedia.org/wiki/Stockade) in [Casablanca](http://en.wikipedia.org/wiki/Casablanca), [Morocco](http://en.wikipedia.org/wiki/Morocco) (meaning that he fled from his responsibilities to the US Army). The next day, he willingly surrendered to an Army [officer](http://en.wikipedia.org/wiki/Officer_(armed_forces)) and was taken back to the base, where he was subsequently [court-martialed](http://en.wikipedia.org/wiki/Court-martial), found guilty, and [sentenced](http://en.wikipedia.org/wiki/Sentence_(law)) to three years at [hard labor](http://en.wikipedia.org/wiki/Hard_labor), forfeiture of pay, and a [dishonorable discharge](http://en.wikipedia.org/wiki/Dishonorable_discharge).

In 1952, Trop applied for a [passport](http://en.wikipedia.org/wiki/United_States_passport), which was denied because the [Nationality Act of 1940](http://en.wikipedia.org/w/index.php?title=Nationality_Act_of_1940&action=edit&redlink=1) provided that members of the [armed forces of the United States](http://en.wikipedia.org/wiki/Armed_forces_of_the_United_States) who deserted would lose their citizenship.

Trop filed [suit](http://en.wikipedia.org/wiki/Lawsuit) in [federal courts](http://en.wikipedia.org/wiki/United_States_federal_courts) seeking [declaratory judgment](http://en.wikipedia.org/wiki/Declaratory_judgment) that he was a U.S. citizen, and claiming that removing his citizenship was cruel and unusual punishment.